City of Seattle

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Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2503688

Applicant Name: Jennifer Grant for the Port of Seattle

Address of Proposal: 1735 W Thurman St

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to demolish seven (7) docks and replace with six (6) docks. Project includes 33,000 cubic yards of dredging adjacent to the west wall and an 8,495 s.f. increase in overwater coverage. Determination of Non-Significance issued by the Port of Seattle.

Seattle Municipal Code (SMC) requires the following approvals:

Shoreline Substantial Development Permit - To allow commercial moorage in an Urban Maritime (UM) shoreline environment pursuant to Seattle Municipal Code. (SMC 23.60.020 and 23.60.720)

Shoreline Special Use Approval - To allow dredging when necessary for a water-dependent or water-related use in an Urban Maritime Environment pursuant to (SMC 23.60.032 and 23.60.722)

SEPA - For conditioning only. (Chapter 25.05 Seattle Municipal Code)

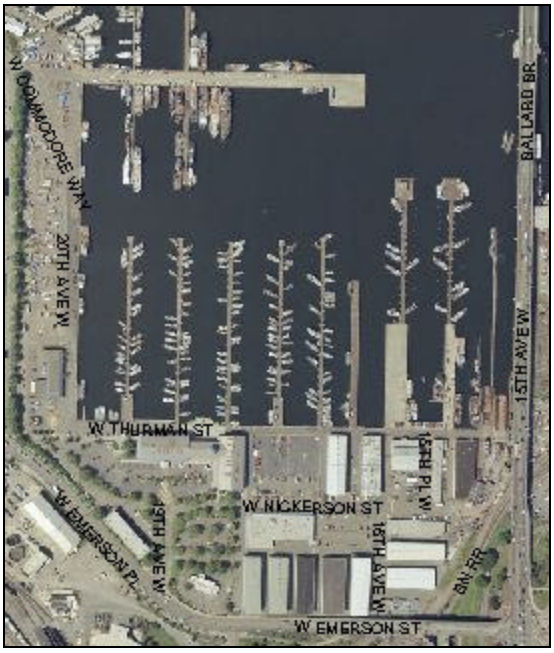
SEPA DETERMINATION: [ ] Exempt [X] DNS[1] [ ] MDNS [ ] EIS

[ ] DNS with condition

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

[1] The Port of Seattle has acted as Lead Agency and issued its SEPA threshold determination on February 28, 2005 for public comment, and finalized its SEPA determination on March 15, 2005.

Site Location and Zoning



Fishermen's Terminal is located on the Salmon Bay Waterway of the Lake Washington Ship Canal east of the Hiram Chittendon Locks and west of the Ballard Bridge.

The property is within an Urban Maritime (UM) shoreline environment and is zoned General Industrial I with a 45-foot height limit (IG-1/U45).

Project Background

Fishermen's Terminal consists of 76 acres and provides moorage for approximately 600 vessels. Shoreside facilities include marine railways and repair areas, equipment storage, net repair, retail fish market, Port of Seattle and other marine-related offices, parking, marine sales, restaurants, and a bank. Many of the marine structures at Fishermen's Terminal are as old as 90 years and have surpassed their original design life expectancy, typically 25-40 years. Although the Port has maintained and upgraded bulkheads, wharves, and docks periodically, the condition and load capacity of all of the marine structures are significantly reduced from the original design capacity due to age, deterioration, weathering, and wear. In particular, recent engineering surveys found portions of Dock 5 to be in poor condition and Docks 6-10 to be in poor to moderate condition.

Constructed in 1936, Dock 5 is a treated wood frame structure supported on timber piles. The 26-foot wide by 500-foot long dock is used primarily as a loading dock. The Port now prohibits vehicles from accessing Dock 5 due to structural concerns. The Terminal currently provides small-vessel moorage for the gill-netters and trollers at its westerly five docks, Docks 6-10. These fixed timber dock structures are approximately 13 feet wide, 640-feet in length, and configured in a saw tooth pattern. Docks 7 and 10 have a 36-foot by 100-foot loading/unloading area at the shoreside end.

The Port completed the Fishermen's Terminal 2000 Master Plan Update in September 2000. The Master Plan Update recommended reconstruction of Docks 5 through 10, and planning and engineering studies of a preferred alternative were developed between 2001 and 2002. A Determination of Non-significance (DNS) and Environmental Checklist were prepared for the proposed dock reconfiguration in April 2002. Following issuance of the 2002 DNS, the Port with the help of the Fishermen's Terminal Advisory Committee (FTAC) generated and reviewed additional fishing market demand data and moorage trends. A new alternative layout was developed and endorsed by FTAC in February 2004. This document describes the new layout and the proposed dredging in an area adjacent to the West Wall. Dredging is necessary in order to assure adequate depth for moorage of larger vessels along the West Wall and Dock 10.

Proposed Project Overview

The Port of Seattle proposes to replace Docks 5 through 10 and to dredge a moorage area next to the West Wall at Fishermen's Terminal, Seattle.

The reconstruction/replacement project would be phased in order to accommodate the moorage needs of tenants during construction. The project includes the following elements:

- *Demolition of Docks 5, 6, 7, 8, 9, & 10, & two small multi-use floats adjacent to Dock 10.*
- *Reconstruction of Docks 5, 7, and 10 as combination fixed and floating docks.*
- *Dock 6 will be demolished but not reconstructed.*
- *Docks 8 and 9 will be reconstructed as floating docks.*
- *Construction of a new multi-use floating dock between Dock 10 and the West Wall.*
- *Extension of the existing linear access floats between Docks 9 and 10.*
- *Dredging a 4.1 acre area to a depth of -15 ft adjacent to the West Wall.*
- *Utility work and paving repair.*

Project Elements:

1. Replace Docks 5-10: Demolition of existing docks: *The existing wooden piers and associated wooden structural, fender, and mooring piles on Docks 5, 6, 7, 8, 9, and 10 will be removed. Two small multi-use concrete floats at the southwest corner of the basin will also be removed. A small linear public-use concrete float between Docks 9 and 10 will be retained. Dock 6 will not be replaced in order to provide adequate fairway widths for the reconfigured docks. The demolition of Docks 5 through 10 will remove approximately 66,885 square feet of combined fixed piers and floating docks and remove over 1,075 creosote-treated and untreated structural, fender, and mooring piles. Pilings will be removed by vibratory hammer. The majority of demolition work would be accomplished from a barge.*

Replacement with five new concrete docks: The six existing timber docks, linear public-use concrete dock, and the small multi-use concrete dock will be replaced with five new concrete docks, an extended linear public-use dock between Docks 9 and 10, and a new multi-use dock connected to the West Wall.

Docks 5, 7, and 10 will be combined fixed piers and floating docks. Each fixed pier section consists of concrete deck panels and concrete pile caps supported by steel piles. The new Docks 5, 7, and 10 will include approximately 130 steel support piling and approximately 110 plastic or untreated timber fender piles. Approximately 66 steel guide piles will anchor the floating portions of these docks.

A 40’ long by 6’ wide aluminum gangway will extend from the fixed portion of Dock 5 down to a linear concrete float. A 28’ long by 6’ wide aluminum gangway will extend from the fixed portion of Dock 7 down to a concrete float with angled fingers. The gangway from the fixed portion of Dock 10 to the floating portion of Dock 10 will be 55’ long by 6’ wide in order to provide ADA access to the moorage slips on Dock 10.

An asphalt-wearing surface is proposed to be placed on top of the concrete deck panels.

Docks 8 and 9 will be reconstructed as floating docks. They will consist of concrete floats attached to steel guide piles. Each dock will be connected to the south wall by a 30’ long by 5’ wide aluminum gangway. Docks 8 and 9 will be anchored by approximately 90 steel guide piles.

Slips on Docks 7-10 and the Multi-Use Dock will have a series of cleats ranging from 15- to 24-inch, depending on vessel size. A continuous steel tube bullrail will be provided on the floating portion of Dock 5 and 10. The fixed portions of Docks 5 and 7 will have a series of 24-inch cleats mounted on a concrete bullrail or a continuous steel tube bull rail.

All floats will be provided with a timber waler and a sacrificial timber rub strip. The fixed portions of Docks 5 and 7 will have timber walers, timber or plastic fender piles spaced at 10 feet, and timber chocks between the piles.

Extension of public access float: The existing linear public-access concrete float between Docks 9 and 10 will be retained and extended slightly to Dock 9. A 28' long by 5' wide aluminum gangway will connect the public-access float to Dock 10. A new multi-use concrete float with two attached side tie floats will be installed to the west of Dock 10. 6 steel guide piles will anchor the multi-use float. A 28' long by 6' wide gangway will connect this float system to the West Wall of the terminal.

THE NEW SLIP AND MOORAGE MIX WILL INCLUDE						
Slip Length	40'	45'	50'	65'	95'	100'
Number Provided	64	31	29	42	1	1

And, approximately 2,892 linear feet of side tie moorage.

The linear side tie moorage allows maximum moorage flexibility since it enables vessels of varying sizes to be moored along the dock.

Overwater Coverage: The total over water coverage for the new moorage systems is approximately 74,380 square feet. Implementation of the proposal would result in an increase in overwater coverage by 8,495 s.f. or approximately 13% (See Table 1). The percentage of water surface in Fishermen's Terminal covered by overwater structures would increase from 6.0% to 6.7%. The above calculations of overwater coverage is the square footage of existing structures, and /or new structures (docks, floats and piers) to be built over water. It does not include structures through which light will pass (such as a grated gangway), or moored vessels.

Table 1 shows the existing verses the proposed overwater coverage calculations with percentages of each type of overwater coverage indicated.

TABLE 1				
	Existing	**% overwater coverage**	**Proposed**	**% overwater coverage**
Over Water Coverage (Fixed)	64,140	96	16,340	22
Over Water Coverage (Floating)	2,745	4	58,040	78
Over Water Coverage (Total)	**66,885**	**-**	**74,380**	**-**
Piles	1,075 creosote		425 - 290 steel and 135 plastic or timber	

2. Upgrade utilities and marine services:

Upgraded utilities, including potable water, fire protection, and electrical service, will be extended to the new piers and slips. Utility lines will be installed under the deck panels of fixed pier sections, and will be brought above deck through utility access holes in the precast concrete deck panels. Utility lines in the floats will be installed within the float system. The larger fire line piping may be hung along the outside edge of the float systems.

- Potable Water System: A new potable water system will provide potable water service at each moorage slip on Docks 7-10, and along each side of Dock 5 and the fixed portion of Dock 7 and 10. Potable water on the multi-purpose dock will also be provided.

- Fire Protection System: The fire protection water system for each dock will begin with a 6-inch gate valve with post indicator, 6-inch double detector check valve assembly with two gate valves, a 6-inch pumper connection with check valve, and a 6-inch connection to the 8-inch water main.

- Sanitary Sewer: The existing boat sewage pumpout system on Dock 3 out side of the project area will remain at the facility. Sewer lines will be extended to the West Wall and to the head of each new dock to allow future sewer connection/service to vessels.

- Storm Drainage: Currently, all stormwater runoff on Docks 5 through 10 discharges through the planks of the docks or over the edges of the docks directly into the waterway. The new fixed portions of Docks 5, 7, and 10 is proposed to have continuous impervious asphalt or concrete surfaces. The surfaces of the fixed portions of Docks 5, 7 and 10 will be sloped to drainage catch basins for filtering before discharge.

- Electrical Systems: Power will be supplied to each dock at the voltages, amperages and receptacle configurations that are most appropriate for the sizes, types and special needs of vessels expected to use each dock.

- Lighting: Lighting for floating docks will involve 150 Watts high-pressure sodium fixtures mounted on 18-foot and 25-foot high light standards. Lighting on the fixed portion of Dock 5 and 7 will be provided by 25-foot high light standards with 250 Watts high-pressure sodium fixtures.

- Telephone: Telephone cables will run from telephone handholes located in the South Wall deck structure at the foot of each dock.

- All existing utilities, such as storm drainage, sanitary sewer lines, fire lines, domestic water lines, and electrical/communication lines that are displaced or disturbed for this work will be reinstalled and/or reconnected to maintain necessary services to the docks and immediate vicinity. New substations may also be required as part of the proposed project. Paving will be restored and repaired in utility installation areas. Asphalt overlay may be applied to areas directly adjacent to Docks 9 and 10 to address soil settlement.

3. Navigational Dredging:

The Port proposes dredging in order to assure adequate depth for moorage of larger vessels along the West Wall and the new Dock 10. The dredging will be undertaken in one phase, starting with the in-water work window in 2006 or 2007. The dredging area is approximately 300 feet wide and 600 feet long or 4.1 acres located between the existing West Wall and the new Dock 9 (including areas that will surround new Dock 10). This area will be dredged to where the depth of the water is 15 feet at low water or an elevation of 17 (NAVD 88 datum). Dredging is necessary in order to allow vessels with up to 15 feet of draft to access the West Wall and the new Dock 10. An estimated 33,000 cubic yards of material will be removed.

Dredging is expected to take approximately 6-8 weeks. Dredging would occur between October 1 and April 15 because of fisheries restrictions. Dredging likely would occur between October 1 and April 15 during the 2006-2007 or 2007-2008 in-water work windows.

The materials to be dredged have been tested in advance in accordance with the Dredged Material Evaluation and Disposal Procedures for the Puget Sound Dredged Material Management Program (DMMP). Sediments will be dredged with a barge-mounted clamshell bucket. Dredged materials will be handled and disposed of in accordance with Army Corps of Engineers and Washington Department of Ecology standards. Dredged materials determined to be suitable for open water disposal will be placed in a sealed split hull barge and transported through the Hiram Chittenden Locks (Locks) to the Elliott Bay open water disposal site in compliance with conditions specified by the Washington Department of Natural Resources and other regulatory agencies with jurisdiction. Dredged materials determined to be unsuitable for open water disposal will be dewatered and trucked or barged to an upland disposal site in accordance with appropriate regulations. It is currently expected that approximately 20,000 to 24,000 cubic yards will be suitable for open water disposal and 9,000 to 13,000 cubic yards will require upland disposal.

The proposed dock layout follows accepted harbor layout and engineering standards for navigation (access/egress), berthing geometry and fairway width.

Construction

Construction Staging - A construction storage and lay down area will be provided for the contractor's use near the project site, on Port property, for the duration of the work. Space will also be provided for the contractor to locate a temporary construction office trailer. Utility connections to the trailer and job site will be temporary and connected only if required. The remainder of the work will be done from the shore side of the bulkhead. Construction material will be delivered to and removed from the site via existing roadways and by barge.

Construction Schedule - Several factors affect the construction schedule for the proposed project. These include the desire to avoid customer displacement, the magnitude of impact to existing operations, the capacity of float manufacturers to respond to demand, and restrictions on in-water work as specified by the Washington Department of Fish and Wildlife and the Army Corps of Engineers to avoid impacts to fish.

The reconstruction of Docks 5 and 7 -10 must be phased in order to accommodate the moorage needs of tenants during construction and minimize disruption to terminal tenants. The Port will develop a moorage tenant relocation plan and work with tenants to implement. The exact project schedule will be determined by the Contractor with Port approval later but would likely occur in four phases as follows:

- Reconstruct Dock 5.
- Reconstruct Dock 7.
- Reconstruct Docks 8 and 9.
- Reconstruct Dock 10 and construct Multi-Use Dock.

Construction of the in-water portions of the work, demolition and removal of existing structures and installation of new structures, must take place to avoid fisheries in-water construction closure windows. Exact construction closure window dates may vary depending on the type of work. Many of the tenants of Docks 5-10 are typically in port during that period. Vacancies would be utilized to accommodate displacement. Temporary floats for moorage may be brought in if necessary.

The dredging adjacent to Docks 9 and 10 will be coordinated with the removal of the existing Docks 9 and 10. As each dock is demolished and the area is cleared for access by dredging equipment, the dredging will then occur.

Public Comment

The public comment period closed July 15, 2005. DPD received no comments on this proposal.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

A. The policies and procedures of Chapter 90.58 RCW;

B. The regulations of this Chapter; and

C. The provisions of Chapter 173-27 WAC

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights.

Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements to Fishermen's Terminal would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of Section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) and is located within an Urban Maritime (UM) shoreline environment. The proposed improvements are associated with a marine retail sales and service use and as such are a permitted use in the UM shoreline environment and the underlying IG-1 zone.

Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies encourage and support the retention and expansion of existing water-dependent businesses uses at Fisherman's Terminal (please refer to Land Use Policies L339 and L342). An area objective for this portion of the Salmon Bay Waterway is to meet the long-term and transient needs of all Seattle's ships and boats -- including fishing, transport, recreation and military, while at the same time to protect and enhance migratory fish routes and feeding areas (please refer to Area Objectives for Shorelines of Statewide Significance, Policy L354 1d). The purpose of the Urban Maritime (UM) environment as set forth in Section 23.60.220 C11 is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets.

The proposed improvements to Fisherman's Terminal would facilitate the continued and enhanced operations of the existing marine retail sales and service uses, as supported by both the purpose of the UM shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. Replacement of the structurally deteriorating docks and pilings with new structures and new layout of the docks, and the proposed dredging will enhance user safety and increase operational efficiency.

SMC 23.60.032 – Criteria for Special Use Approval – Dredging

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline policies;

The subject site is designated Urban Maritime and a water dependent use such as commercial moorage is permitted outright in this zone and shoreline environment. The proposed dredging to the West Wall is necessary for the continued use by vessels mooring at Fishermen's Terminal. The subject proposal would provide the minimal clearance needed for efficient use of the facility. The Port of Seattle will use best management practices during dredging operations and comply with any other conditions required by the Director.

B. That the proposed use will not interfere with the normal public use of the shorelines;

The proposed dredging would occur in a commercial area generally unsuited for public use. A public shoreline access area, known as the Fishermen's Memorial, is located in the central portion of Fishermen's Terminal, away from the dredging activities. The proposed dredging activities would not interfere with the public use of the Fishermen's Memorial.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The immediate area has major marine related commercial and industrial development. The use of the site as commercial moorage by Port of Seattle is considered to be compatible with the permitted uses in the area. The proposed dredging would be of short duration and would not interfere with navigation through the Waterway.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

Dredging may have negative long term impacts on the aquatic environment through disrupting the benthic and epibenthic organisms that live in and on the sediment, respectively. There are contradicting studies on the impacts of dredging. The applicant will be conducting invertebrate studies both before and after the dredging operation to determine if the species diversity and quantity of benthic and epibenthic organisms changes between the two conditions.

Additionally, best management practices will be used during the dredging operation to minimize the turbidity of the water and to avoid the times when the majority of juvenile salmonids are present.

Therefore the impacts from dredging will be mitigated.

E. That the public interest suffers no substantial detrimental effect.

No substantial determent to the public interest is anticipated as a result of this proposal. The ecology and water quality will be protected for the long-term benefit by the use of the required best management practices for the project during dredging activities. Fish and habitat would be protected by the dredging occurring during the off-season fish migration window.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as… …fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels….

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat

conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Long-term or use related impacts are also anticipated from the proposal and include: Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit the Lake Washington Ship Canal including the proposed project area.

This project is proposed to occur in the nearshore environment and in deeper waters of Salmon Bay in the Lake Washington Ship Canal, which is habitat of chinook salmon and other aquatic species. The project site serves as a migration corridor for juvenile chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8. Additionally, predators

of juvenile chinook are known to inhabit areas under pier structures and may use these areas as cover while preying on juvenile chinook. Small mouth bass, an introduced predator of juvenile chinook, also use the base of pilings under pier structures as nesting sites.

Clearly identified impacts include an increase of overwater coverage and continued overwater coverage in habitat of a threatened species. Overwater coverage in the form of a pier structure reduces the amount and quality of natural habitat of juvenile chinook salmon and other aquatic species and provides habitat for introduced predator species of juvenile chinook.

Additional impacts include disturbance of the nearshore habitat, disruption by deepening habitat of a threatened species and removal of benthic organisms. Measures proposed by the project proponent to mitigate impacts to the ESA listed species and other aquatic wildlife include

Measures proposed by the project proponent to mitigate impacts to ESA listed species and other aquatic wildlife include the reduction of 650 piling and the removal of 2,796 s.f. of overwater coverage at an adjacent site. Additionally, steel and untreated timber piles, which are less toxic than treated wood piling will be used and grating in the decks of the piers and floats will be provided to allow for greater light penetration under the proposed. Each of these measures is believed to improve habitat conditions for native fish species utilizing the site.

To meet SMC 23.60.152 H, I, J and L, all debris that is currently on the substrate outside of the dredged area; the dredged area will be cleaned of its debris during the dredging process, shall be cleaned of any debris that is currently on the substrate. Moorage facilities have debris on the substrate caused by users accidentally and sometimes intentionally dropping debris and other deleterious material into the water. This debris degrades aquatic habitat. A Clean-up Documentation Plan that describes the procedures that will be used to ensure that all debris will be removed from the substrate at the site will be provided. Additionally, before and after video documentation shall be included as part of the documentation.

To meet SMC 23.60.152 D an alternative surfacing material to asphalt shall be used. Asphalt is shown to leach toxins into the water and the proximity of the proposed asphalt will be a detriment to water quality.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on water quality. In conjunction with this effort DPD developed a Director's Rule, 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. A portion of the proposed work is proposed on land and this portion of the work is subject to SMC 22.800. As a condition of the project the completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures for the land portion of the work. SMC 22.800 does not address overwater and in-water construction impacts. The proposed in- and over-water work includes removal and installation of pilings, installation of the overwater structures (fixed and floating docks). With this construction there is the potential for negative impacts to occur to the Salmon Bay Waterway during construction. To meet the general development standards SMC 23.60.152 N the applicant must provide a plan showing the best management practices that will be used to ensure that no debris or other deleterious material will enter the water during construction.

As proposed and as conditioned below, the project complies with the above shoreline development standards.

SMC 23.60.750 – Development standards for the UM Environment

The proposal conforms to all of the development standards for the UM environment.

Conclusion

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

ANALYSIS - SEPA (for conditioning only)

The Port of Seattle, as Lead Agency, issued a Determination of Non-Significance for this project. The information in the Port's SEPA determination, construction plans, and other information submitted by the Port and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic, and parking impacts due to construction workers' vehicles increase and increase in water turbidity. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Master Program) applicable to the project. Since the proposal site is located in an industrial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

The construction plans will be reviewed for stability and soils considerations by DPD's Geotechnical Engineer and the Building Plans Examiner, who will also require any additional soils-related information, recommendations, declarations, covenants, and bonds as necessary in accordance with Director's Rule 3-94 prior to issuance of the Master Use Permit. Assuming successful implementation of stabilization measures approved by the DPD geotechnical review, the project will not significantly increase the risk of land instability and no mitigation is warranted.

CONDITIONS – SHORELINE

Prior to Issuance of a Construction Permit

1. Develop and submit a Clean-up Documentation Plan that describes how the debris on the site will be cleaned up. The plan shall include the use video or photo documentation of the area before and after the clean up of the site.

2. Submit a completed drainage control plan that complies with SMC 22.802.020 B2d and Director's Rule 2000-16, (Category 2) BMPs for Construction Erosion and Sedimentation Control Plans. Adherence to the measures outlined in the attachment shall mitigate erosion and sedimentation impacts to Salmon Bay Waterway.

3. Plans shall be revised to show an alternative non-leaching surface to replace the proposed use of asphalt.

4. A epibenthic and benthic invertebrate study shall be developed and submitted to DPD for approval

Prior to Construction

5. The invertebrate study shall commence.

During Construction

6. Prior to commencing construction, an emergency containment plan and procedures shall be developed for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material should be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.

7. Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water. If there is any evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

8. A Section 10 Permit from the Army Corps of Engineers and a Hydraulic Project Approval Permit from Washington Department of Fish and Wildlife shall be successfully obtained and the terms and conditions of each permit shall be followed.

9. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed for the project to prevent debris and other deleterious material from entering the water during demolition and construction.

10. If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.

11. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during the proposed work.

12. Equipment using oil, gasoline, or diesel used on site shall be checked for evidence of leakage, if evidence of leakage is found the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

13. If treated wood is proposed for other structures, this wood shall be professionally treated and completely cured using the best management practices developed by the Western Wood Preservers Institute (http://www.wwpinstitute.org/) before this wood is used for this project.

14. All creosote material, pile stubs, and associated sediments must be disposed of in a landfill which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

15. Catchbasins shall be protected during demolition, construction and repaving to prevent any deleterious material from entering the water.

16. Provide video or photo documentation for removal of debris from the substrate as part of the Clean-up Documentation Plan.

After the completion of the proposed work

17. The invertebrate study shall be completed

Life of the Project

18. Moorage tenants shall be required to follow general BMPs developed for the marina to keep debris and deleterious material out of the water.

CONDITIONS - SEPA

None.

Signature: (signature on file) Date: March 6, 2006
Colin R. Vasquez, Senior Land Use Planner

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